



UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

NOTICE OF ENTRY OF ADMINISTRATIVE ORDER 07-5

Administrative Order 07-5 “Policy On Electronic Availability of Transcripts of Court Proceedings” was entered on May 29, 2007.

In conjunction with entry of this order, a new local form “Notice of Intent to Request Redaction of Transcript”(LF-98) has been adopted.

Copies of AO 07-5 and the new local form are available at all clerk’s office locations and on the court’s web site www.flsb.uscourts.gov.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

IN RE:

Administrative Order 07-5

**Policy on Electronic Availability of
Transcripts of Court Proceedings**

The Judicial Conference of the United States has a national policy addressing electronic availability of transcripts of court proceedings filed with the court. The Judicial Conference Policy on Electronic Availability of Transcripts applies to any transcript of a court proceeding that is subsequently filed with the court and made available to the public via electronic access. Accordingly, in accordance with the policy and effective for any transcript filed on or after June 1, 2007 (regardless of when the proceeding took place), it is **ORDERED** as follows:

1. Transcripts of court proceedings may only be filed by the court reporter. Transcripts shall, at the time of the initial filing, be docketed in the court record for that case utilizing a "private" event code which restricts access to the filed transcript to court staff only.
2. Upon the docketing of the transcript as set forth in paragraph 1, the clerk shall prepare and serve on all parties listed as appearances on the transcript a form "Notice Regarding Filing of Transcript and Deadline for Filing Notice of Intent to Request Redaction of Transcript" (Exhibit 1) which shall establish a deadline of 5 business days from docketing of the transcript, for the filing of a local form "Notice of Intent to Request Redaction of Transcript" (Exhibit 2). A party is responsible for reviewing and indicating redactions in the testimony of the witnesses that party called and for the party's own statements.
3. Parties timely filing the local form "Notice of Intent to Request Redaction of Transcript" shall, within 21 calendar days of the date the transcript was docketed, unless otherwise ordered by the court, file a "Statement of Personal Data Identifier Redaction Request" ("Statement") which shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested. For purposes of this procedure, personal data identifiers shall include: social security numbers, financial account numbers, names of minor children, and dates of birth. Since

the "Statement", once filed, will appear as a public document on the docket, the "Statement" should be worded so as not to contain unredacted personal identifiers. A copy of the "Statement" shall be served on the court reporter. Only these personal identifiers may be automatically redacted as provided by paragraph 8 below. Parties seeking to redact other information shall file a motion as required under paragraph 5 below.

4. Parties to the case who are (or represent) persons whose personal data identifier may appear in the transcript and who wish to review the unredacted transcript may either (1) purchase a copy of the transcript from the court reporter; (2) purchase a copy of the transcript from the clerk's office; or (3) view a copy of the transcript at no charge in any of the clerk's three divisional offices.
5. Any party who filed a "Notice of Intent to Request Redaction of Transcript" during the 5 business day period set forth in paragraph 2 above may also file, within the 21 calendar day period set forth in paragraph 3 above, a "Motion for Additional Redactions" to request redaction of information other than personal data identifiers. If appropriate, the motion should be filed in accordance with Local Rule 5003-1(C) "Sealed Records". A copy of the motion shall be served on the court reporter.
6. If a "Notice of Intent to Request Redaction of Transcript" is not filed within the initial 5 business day deadline set forth in paragraph 2 above, the unredacted transcript will appear on the docket as a public document available electronically to the public in accordance with existing policies and subject to applicable access fees, unless the court, for good cause related to the Judicial Conference policy, finds that the transcript should not be made remotely available electronically for up to a period of 60 calendar days from the date the unredacted transcript was originally filed by the court reporter.
7. If a "Statement" or "Motion for Additional Redactions" is not filed within the 21 calendar day deadline set forth in paragraphs 3 and 5 above, the unredacted transcript will appear on the docket as a public document available electronically to the public in accordance with existing policies and subject to applicable access fees, unless the court, for good cause related to the application of the Judicial Conference policy, finds that the transcript should not be made remotely available electronically for up to a period of 60 calendar days from the date the unredacted transcript was originally filed by the court reporter.
8. If a "Notice of Intent to Request Redaction of Transcript" has been filed and subsequently a "Statement" is filed within the 21 calendar day deadline set forth in paragraph 3, the court reporter shall partially redact the personal data identifiers identified in the "Statement" as follows:

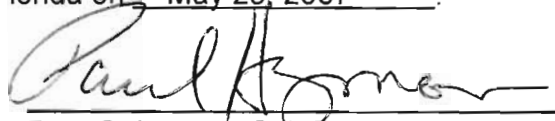
- for Social Security numbers, use only the last four digits;
- for financial account numbers, use only the last four digits;
- for names of minor children, use only their initials; and
- for dates of birth, use only the year.

The court reporter shall then file, within 10 calendar days from the filing of the last timely filed "Statement", a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of certain personal identifiers at the request of the parties.

9. If a "Motion for Additional Redactions" was filed within the 21 calendar day deadline set forth in paragraph 5 above, or if the court has extended the deadline, the transcript shall remain as a "private" event until the court has ruled upon any such motion.
10. If a transcript is redacted in accordance with this order, the initially filed unredacted transcript shall be maintained by the clerk as a "private" document, not accessible by parties to the case or the general public. This unredacted transcript shall, if requested, be made available to an appellate court.
11. The policy set forth in this order:
 - A. Does not affect in any way the obligation of the court reporter to file promptly with the clerk of court the court reporter's original records of a proceeding or the inclusion of a filed transcript with the records of the court pursuant to 28 U.S.C. § 753.
 - B. Does not affect the obligation of the clerk to make the official transcript included in the court file available for copying by the public without further compensation to the court reporter pursuant to Judicial Conference policy.
 - C. Is not intended to create a private right of action.
 - D. Is not intended to affect court reporter compensation in any way.
 - E. Is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.
 - F. Does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a

transcript, subject to whatever court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the entity providing the transcript to the party.

ORDERED in the Southern District of Florida on May 29, 2007.

A handwritten signature in black ink, appearing to read "Paul Hyman", written over a horizontal line.

Paul G. Hyman, Chief Judge
United States Bankruptcy Court

c: All SD Bankruptcy Judges

Form CGFD17AP (5/29/07)

United States Bankruptcy Court
Southern District of Florida
www.flsb.uscourts.gov
Division: Miami

Case Number: 07-10020-LMI

Adversary Number: 07-01004-LMI

In re:

Name of Debtor(s): John Doe

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John Doe

Plaintiff(s)

VS.

ABC Corporation

Defendant(s)

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CLERK USBC SDFL FILED 5/29/07

**NOTICE REGARDING FILING OF TRANSCRIPT AND DEADLINE FOR FILING
NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT**

Notice is hereby given that an official transcript of a proceeding held on May 1, 1007 has been filed on May 29, 2007 by the court reporter in the above captioned matter.

Under Administrative Order 07-5, the parties have until **June 5, 2007** to file with the court a local form "Notice of Intent to Request Redaction of Transcript". Parties timely filing the local form "Notice of Intent to Request Redaction of Transcript" shall, within 21 calendar days of the date the transcript was docketed, unless otherwise ordered by the court, file a "Statement of Personal Data Identifier Redaction Request" which shall indicate, by page and line number, the location of the personal data identifiers for which redaction is being requested.

Parties seeking to review the unredacted transcript filed with the court may either (1) purchase a copy of the transcript from the court reporter; (2) purchase a copy of the transcript from the clerk's office; or (3) view a copy of the transcript at no charge in any of the clerk's three divisional offices.

If a "Notice of Intent to Request Redaction of Transcript" has not been filed by the deadline indicated above, absent further order of the court, the transcript will be made available on the docket as a publicly accessible document, subject to applicable access charges.

Clerk of Court

By: Joe Falzone USBC (TEST)
Deputy Clerk

Copies to: All Parties Listed as Appearances on Transcript

"EXHIBIT 1"

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

In re:

Case No.
Chapter

Debtor

[if adversary, include adversary caption]

NOTICE OF INTENT TO REQUEST REDACTION OF TRANSCRIPT

Notice is hereby given that a Statement of Personal Data Identifier Redaction Request and/or a Motion for Additional Redactions with respect to the official transcript of the proceeding held on _____, in the above referenced case or proceeding will be filed with the court within 21 calendar days from the date the unredacted transcript was filed by the court reporter with the clerk of court.

Name

Address

City, State, Zip Code

Appearing on behalf of

Dated: _____

Copy to:
Court Reporter